

JOURNAL OF THE HOUSE.

Tuesday, February 15, 2005.

Met according to adjournment, at one o'clock P.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, we pause for a moment to reflect, to pray and to thank You for the many material and spiritual blessings which we enjoy daily. We are grateful too for this nation's great natural and human resources. Inspire us to use our wonderful natural resources wisely and to enable all people to use their individual and personal talents for both their own benefit and for the common good of all. In this era of exciting technological discoveries, teach us to use this new information in a thoughtful, productive and ethical way. In implementing our technological breakthroughs, may we be guided by solid philosophical principles, rational choices and traditional basic values. May we recognize and accept the opportunities and challenges of these changing times as we together build peaceful, healthy and prosperous communities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Post-release
supervision.

A message from His Excellency the Governor recommending legislation relative to mandatory post-release supervision (House, No. 26) was filed in the office of the Clerk on Monday, February 14.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Silent Prayer.

Silent
Prayer.

At the request of Messrs. Evangelidis of Holden and Naughton of Clinton, the members, guests and employees stood in a moment of silence to the memory of Captain Christopher J. Sullivan, 29, formerly of Princeton, who was killed in action in Iraq on Tuesday, January 18, 2005.

Statement Concerning Representative Rivera of Springfield.

During the session, a statement of Mr. Rogers of Norwood concerning Ms. Rivera of Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Ms. Rivera of Springfield, will not be present in the House Chamber for today's sitting due the death of her mother. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Rivera of
Springfield.

Statement Concerning Representative Rush of Boston.

A statement of Mr. Rogers of Norwood concerning Mr. Rush of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rush of Boston, will not be present in the House Chamber for today's sitting due to his being on active duty with the United States Navy. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Rush of
Boston.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Finegold of Andover, Torrissi of North Andover and Lantigua of Lawrence) on the occasion of the retirement of Lieutenant Sebastian Bongiorno; and

Sebastian
Bongiorno.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating Daniel Boone Shirmer on his ninetieth birthday;

Daniel
Boone
Shirmer.

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Brien of Kingston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Water Resources Commission (pursuant to 313 CMR 4.06 (3)) submitting its findings concerning the compliance of the proposed wellfield to be constructed in the town of Plainville with environmental criteria of the Interbasin Transfer Act;

Water
Resources
Commission.

From the Department of Youth Services (under the provisions of Section 16 of Chapter 123A of the General Laws) in lieu of a report on the commitment of sexually dangerous persons;

Department
of Youth
Services.

From the Plainridge Racecourse (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Plainridge
Racecourse.

From the Office of the Commissioner of Probation (under the provisions of Section 5 of Chapter 211F of the General Laws) submitting a report on the Office of Community Corrections;

Commissioner
of Probation.

From the Executive Director of the Office of Community Corrections (under the provisions of Item 0339-1004 of Section 2 of Chapter 177 of the Acts of 2001) submitting a spending and management plan for said office;

Office of
Community
Corrections.

Zoo New
England.

PERAC,
teachers
retirement

Trade
Council.

From the Zoo New England submitting a report containing its 2004 financial statement;

From the Public Employee Retirement Administration Commission (PERAC) submitting a copy of the Actuarial Valuation report of the State Teachers' Retirement System of Boston teachers; and

From the Massachusetts International Trade Council, Inc., containing a memorandum of accounts and the administration of the International Tourism Fund;

Severally placed on file.

Annual and Special Reports.

Cost-of-living
adjustment,
retirees.

The annual report of the Public Employee Retirement Administration Commission (under Sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2004 compared with such index for the 2003 (House, No. 27), was referred to the committee on Public Service. Sent to the Senate for concurrence.

Annual reports

Conservation
and
Recreation.

Of the Department of Conservation and Recreation (under the provisions of Section 3C of Chapter 21 of the General Laws and as most recently amended by Section 84 of Chapter 26 of the Acts of 2003) for the fiscal year 2004;

Insurance
Division.

Of the Division of Insurance (under the provisions of Section 17 of Chapter 21E of the General Laws) on the availability of insurance for response action contractors involved in action pertaining to the release or threatened release of oil or hazardous material;

Health Care
Finance
and Policy.

Of the Division of Health Care Finance and Policy (under the provisions of Section 4 of Chapter 118G of the General Laws) submitting its fiscal year 2003 annual report;

Comptroller.

Of the Comptroller (under Section 12A of Chapter 7A of the General Laws) for the Statutory Basis Financial Report (SBFR) for the fiscal year 2004;

Commissioner
of Banks.

Of the Commissioner of Banks (under the provisions of Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered co-operative bank in the Commonwealth for the calendar year 2003;

Workers
Compensation
Advisory
Council.

Of the Workers' Compensation Advisory Council (under the provisions of Paragraph 2 of Section 17 of Chapter 23E of the General Laws) relative to the state of the worker's compensation system for fiscal year 2004;

Vital
Statistics.

Of the Registry of Vital Statistics (under the provisions Section 2 of Chapter 111 of the General Laws) submitting its one hundred fifty-sixth annual report on statistics of births, deaths, marriages and divorces in the Commonwealth;

Water
Pollution
Abatement.

Of the Massachusetts Water Pollution Abatement Trust (under the provisions of Section 17 of Chapter 29C of the General Laws) of the operations, properties and expenditures of said trust;

Joint Labor-
Management.

Of the Joint Labor-Management Committee for Municipal Police and Fire (under the provisions of Clause (a) of Subsection 3 of Section 1 of Chapter 589 of the Acts of 1987 relative to results of

involving the resolution of a dispute over the provisions of collective bargaining agreements;

Of the Betsey Lehman Center for Patient Safety and Medical Error Reduction (under the provisions of Section 16E(f) of Chapter 6A of the General Laws) for the year 2004; and

Patient
safety.

Of the Division of Insurance (under the provisions of Section 17 of Chapter 21E of the General Laws) on the availability of insurance for response action contractors involved in action pertaining to the release or threatened release of oil or hazardous material;

Insurance
Division.

Semi-annual report of the Insurance Fraud Bureau (under the provisions of Section 99 (k) of Chapter 398 of the Acts of 1991) on the disposition of matters referred to said bureau;

Insurance
Fraud
Bureau.

Quarterly reports

Of the MassHighway Department (under the provision of item 6010-0001 contained in Section 2 of Chapter 184 of the Acts of 2004) for the quarter ending December 31; and

MassHighway.

Of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Projects;

Central
Artery/Ted
Williams
Tunnel.

Reports

Of the Office of Consumer Affairs and Business Regulation (under the provisions of Section 328 of Chapter 149 of the Acts of 2004) relative to third party advertisers use of information provided by Internet service providers;

Internet,
advertising.

Of the Special Transportation Finance Commission (under the provisions of Section 13 of Chapter 196 of the Acts of 2004) relative to the transportation finance needs of the Commonwealth;

Transportation
Finance
Commission.

Of the University Counsel of Northeastern University (under the provisions of Section 2 of Chapter 645 of the Acts of 1986) relative to a summer boating program and a scholarship program established by said university under the terms of a lease of a certain parcel of land in the city of Boston;

Northeastern
University,
boating
program.

Of the Early Education and Care Advisory Committee (under the provisions of Section 344 of Chapter 149 of the Acts of 2004) relative to the development of a statewide preschool program; and

Preschool
program.

Of the Massachusetts School Building Authority (under the provisions of Section 54 of Chapter 208 of the Acts of 2004) relative to the School Building Assistance Program;

School Building
Assistance
Program.

Severally were placed on file.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 2010) was read a second time; and it was ordered to a third reading.

Supplemental
appropriations.

Under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith.

After debate on the question on passing the bill to be engrossed, Mr. Walsh of Boston moved that it be amended in section 2, in item 1599-4123, in line 33, by inserting after the following: "UAW" the following: "and the Service Employees' International Union Local

Supplemental
appropriations.

888/Boston", in line 36, by striking out the words "no later than November nineteenth, two thousand and four employees" and inserting in place thereof the words "no later than seventy-five days from the effective date of this act employees", in line 42, by striking out the words "July first" and inserting in place thereof the words "July sixth", and in said item, by striking out the figures "19,975,010" and inserting in place thereof the figures "22,421,135".

Amendments
rejected,
yea and nay
No. 5.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 19 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 5 in Supplement.]

[Mr. Canessa of Lakeville answered "Present" in response to his name.]

Therefore the amendments were rejected.

Mrs. Harkins of Needham being in the Chair,—

Messrs. Golden of Lowell, Nangle of Lowell and Murphy of Lowell moved that the bill be amended by adding at the end thereof the following section:

"SECTION 30. Item 0339-1001 of section 2 of chapter 149 of the acts of 2004 is hereby amended by striking out the words:— utilizing tamper free ankle bracelets."

The amendment was adopted.

The same members then moved that the bill be amended by adding at the end thereof the following 3 sections:

"SECTION 31. Section 1 of chapter 344 of the Acts of 2004 is hereby amended by striking out the definitions of 'Parcel 1' and 'Parcel 2' and inserting in place thereof the following definitions:—

'Parcel 1' is comprised of two parcels and described as follows:

(a) The parcel of land, with all buildings thereon, commonly known as 600 Suffolk Street and located on the northerly side of Suffolk Street in Lowell, Middlesex County, Massachusetts, being shown as Phase I as shown on a 'Compiled Plan of Land In Lowell, Mass. For Wannalancit Office and Technology Center Realty Trust', Scale 1"=20', dated March 25, 1983, by Robert M. Gill & Associates, Inc., Civil Engineers & Surveyors, Lowell, Mass. (the 'Plan'), which Plan is recorded with the Middlesex North District Registry of Deeds at Plan Book 140, Plan 1, containing 43,369 square feet of land, more or less and (b) The parcel of land situated in Lowell, Middlesex County, Massachusetts, commonly known as 661 Suffolk Street, being shown as Lot C on Plan entitled 'Compiled Plan of Land in Lowell, Mass.' Dated September 13, 1982, Scale 1"=40', prepared by Robert M. Gill & Associates, Inc., Lowell, Massachusetts, which Plan is recorded with the Middlesex North District Registry of Deeds at Plan Book 137, Plan 121; EXCEPTING from Lot C described above so much of the premises as was taken by the Commonwealth of Massachusetts by instrument recorded with the Middlesex North District Registry of Deeds at Book 3839, Page 70, and so much of the premises as is included within the so-called Western Canal. For title of Commonwealth, see Quitclaim Deed the Commonwealth of Massachusetts by instrument recorded with the Middlesex North District Registry of Deeds at Book 3839, Page 70, and

so much of the premises as is included within the so-called Western Canal. For title of Commonwealth, see Quitclaim Deed recorded with the Middlesex North District Registry of Deeds in Book 08236, Page 173.

'Parcel 2' is comprised of nineteen parcels, known as the St. Joseph's Hospital property located at 220 Pawtucket Street and other streets in the vicinity thereof, in the city of Lowell, Middlesex County, containing approximately 5.104 acres, more or less, together with all the buildings, and described as follows:

Parcel 1. A certain parcel of land with the buildings and improvements thereon situated on the southwesterly side of Merrimack Street, the southwesterly side of Pawtucket Street and the northeasterly side of Salem Street in Lowell, Middlesex County, Massachusetts.

Containing according to said plan, 93, 668 square feet.

A portion of the premises above described is registered land and is the same premises described in Certificate of Title No. 18830 and shown on Plan 8373 A, a copy of a portion of which is filed with Certificate of Title No. 1755 in the Middlesex North Registry District of the Land Court. Said Premises are shown on a plan of land in Lowell, Mass. Compiled for St. Joseph's Hospital, Inc. dated October, 1972, by Emmons, Fleming & Bienvenue, Inc. Engineers & Surveyors and recorded with the Middlesex North District Registry of Deeds in Plan Book 115, Plan 161.

Parcel 2. That certain parcel of land situated in Lowell, Middlesex County, Massachusetts. All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 3103-B, drawn by Michael S. Szoc, Surveyor, dated August 18, 1959, as approved by the Court, filed in the Land Registration office, a copy of a portion of which is filed with Certificate of Title 11083, and said land is shown as Lot one (1) on said plan.

Parcel 3. That certain parcel of land situated in Lowell, Middlesex County, Massachusetts. All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 3103-B, drawn by Michael S. Szoc, Surveyor, dated August 18, 1959, as approved by the Court, filed with the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 11083, and said land is shown as Lot two (2) on said plan.

Parcel 4. That certain parcel of land situated in Lowell, Middlesex County, Massachusetts. All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 3103-B, drawn by Michael S. Szoc, Surveyor, dated August 18, 1959, as approved by the Court, filed with the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 11083, and said land is shown as Lot five (5) on said plan.

Parcel 5. That certain parcel of land situated in Lowell, Middlesex County, Massachusetts. All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 3103-B, drawn by Michael S. Szoc, Surveyor, dated August 18, 1959, as approved by the Court, filed with the Land Registration office, a copy of a portion of which is filed with Certificate of Title 11083, and said land is shown on Lot six (6) on said plan.

Supplemental
appropriations.

Parcel 6. That certain parcel of land situated in Lowell, Middlesex County, Massachusetts. All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 3103-B, drawn by Michael S. Szoc, Surveyor, dated August 18, 1959, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 11083, and said land is shown as Lot seven (7) on said plan.

Parcel 7. The land with the building thereon, if any, situated on the southerly side of Salem Street and commonly known and numbered as 294-322 on said street, Lowell, Middlesex County, Massachusetts and thus bounded:

Beginning at the northeasterly corner of premises on the southerly side of said street and at the Northwestern corner of land of Joseph Plunket, now or formerly, which corner is 50 feet Westerly from the intersections of the Southerly side of Salem Street and the Westerly side of Dane Street;

Thence S 43 30' on said Plunket land, 112.53 feet to land of Arthur and Parmelia Vallee, now or formerly;

Thence N 46 45' W on said last mentioned land and on land of Arthur and Lena Petren, now or formerly, 90 feet to the Northwestern corner of said Petren land;

Thence S 37 40' on said Petren Land 2.83 feet to land of one Williams, now or formerly;

Thence Westerly at an angle of 102 36' on said Williams land 29.15 feet to an angle;

Thence Northwesternly at an angle of 113 10' still on said Williams land 59.23 feet to Salem Street;

Thence Northeasterly by a curved line on said Salem Street to the point of beginning.

Be said contents, or any or all of said measurements more or less, and however otherwise said premises may be measured, bounded or described.

Containing 14,362 square feet of land.

Parcel 8. The land with the buildings thereon, if any, situated on the southerly side of Pawtucket Street, Lowell, Middlesex County, Massachusetts, bounded and described as follows:

Beginning at the northwesterly corner of the premises at a point in said Pawtucket Street in range with the middle of the partition dividing in two the dwelling house partly on these premises and partly on the premises now or formerly of Margaret Gilman; thence running southerly through the middle of said partition and in range with the middle of said partition about ninety-six and 80/100 (96.80) feet to land of one Brown, now or formerly; thence easterly on said Brown land about twenty-seven and 14/100 (27.14) feet to a passageway; thence northerly on said passageway about eighty-nine and 20/100 (89.20) feet to said Pawtucket Street; thence westerly on said Pawtucket Street about twenty-one (21) feet to the point of beginning. Together with a privilege or right of way in said passageway.

Also the land in said Lowell, with the buildings thereon, situated on the southerly side of said Pawtucket Street, and thus bounded and described.

Beginning at the northwesterly corner of the premises at said Pawtucket Street at land now or formerly of Sabra Wright; thence running easterly on said Pawtucket Street about twenty-four and 20/100 (24.20) feet to a point opposite to and in range with the middle of the partition dividing in two the dwelling house partly on these premises and partly on the premises now or formerly of Hollis M. Gilman; thence running southerly through the middle of said partition and in range with the middle of said partition about ninety-six and 80/100 (96.80) feet to land formerly of Phineas Whiting, now supposed of one Bartlett; thence westerly on said Whiting land fourteen and 28/100 (14.28) feet to said Wright land; thence northerly on said Wright land about ninety-nine and 60/100 (99.60) feet to said Pawtucket Street at the point of beginning.

Parcel 9. The land situated on the southerly side of Pawtucket Street, Lowell, Middlesex County, Massachusetts, bounded and described as follows:

Beginning at a stake at the northwesterly corner of the premises on said Pawtucket Street at a point six (6) feet from the line of the easterly end of the building on land of the heirs of Phineas Whiting, now or formerly; thence south 17 degrees 10 minutes east fifty-nine (59) feet, nine (9) inches, to a stake; thence south 50 degrees 20 minutes east fifty-one (51) feet to a stake at land conveyed by the late Phineas Whiting to Osgood Dane; thence on said last named land and land of Cummings Barr, now or formerly, north 37 degrees 40 minutes east forty (40) feet to a stake; thence north 64 degrees 40 minutes west twenty-eight (28) feet, five (5) inches, to a stake; thence north 70 degrees 15 minutes west sixty (60) feet to a stake at said Pawtucket Street; thence on said street south 72 degree 50 minutes west forty (40) feet to the point of beginning.

Containing 3,800 square feet of land, more or less.

Parcel 10. The land situated on the southwesterly side of Salem Street and the northwesterly side of Whiting Street, commonly known as and numbered 236 on said Salem Street, Lowell, Middlesex County, Massachusetts and thus bounded:

Beginning at the easterly corner of said premises at a stone bound at the intersection of the southwesterly side of said Salem Street and the northwesterly side of said Whiting Street;

Thence northwesterly along said Salem Street, 110.78 feet to land now or formerly of N.J. Lavoie;

Thence at a right angle southwesterly by said last mentioned land and by lands now or formerly of L.A. Lavalley, Trustee, T.E. Savage, E. Marin, et al and C.E. Theriault, et al. 217.5 feet to land now of formerly of O. Turcotte, et al;

Thence southeasterly by said last mentioned land, 110.11 feet to said Whiting Street;

Thence northeasterly along said Whiting Street 226 feet to the point of beginning.

Containing 24,650 square feet.

Parcel 11. A certain parcel of land with the buildings and improvements thereon situated on James Street in said Lowell, Middlesex County, Massachusetts, being shown as Lot B-5 on a plan entitled

Supplemental
appropriations.

'Compiled Plan of Land IN Lowell, Mass. Prepared for St. Joseph's Hospital', dated February 16, 1983, Fleming, Bienvenue & Associates, Inc., Engineers & Surveyors, Billerica, Mass., recorded Middlesex North District Registry of Deeds, Plan Book 140, Plan 11.

Together with the benefits of utility easements set forth in two separate easement deeds, the first deed dated December 19, 1984, recorded in said Registry, Book 2927, Page 37 and the second deed dated October 29, 1984 recorded in said Registry, Book 2885, Page 178.

Together with the rights of ingress and egress by foot and by vehicles over that portion of Lots C-2D and B-3 shown as a 50' strip of land on a plan entitled 'Compiled Plan of Land in Lowell, Mass. For St. Joseph's Hospital,' dated August 29, 1977 recorded at Plan Book 124, Page 173, and together with the right and easement to park motor vehicles on Lot B-3 and rights over a right of way shown on said Plan as 'Easement for Access Walkway' and over Lots C-3, C-3D and C-4 (which is also known as C-4A) and the elevated bridge over Merrimack Street, (but subject to rights of the public in general, and the City of Lowell in Merrimack Street), as set forth in License Agreement dated October 3, 1973 recorded in Book 2095, Page 679 and as reserved in Master Deed of the St. Joseph's Medical Office Condominium recorded in Book 2348, Page 512.

Parcel 12. The land with the buildings thereon situated in Lowell, Middlesex County, Massachusetts, on the southwesterly side of Dane Street, sometimes called Dane Avenue, and being thus bounded and described:

Beginning at a stone bound situated in the line of Dane Street, Avenue, at land formerly of one Martin, now or formerly of A. Tallard; thence Southwesterly by said Tallard land, land formerly of one Mountain and now or formerly of M. Galinas and Helene Galinas, 78.5 feet, more or less, to land formerly of one Burnham, now or formerly of Louis P. Turcotte; thence Northwesterly by said Turcotte land, land formerly of one Whiting and later of Edwin W. Bartlett, 112 feet more or less to land of one Kitterage, later of Ellen Lavigne, now or formerly of Salem Elias; thence Northeasterly by said last named land to Dane Street Avenue; thence Southeasterly by said Dane Street Avenue to the stone bound at point of beginning.

Parcel 13. The land in Lowell, Middlesex County, Massachusetts situated on the northeasterly side of Salem Street, containing thirty-four hundred and thirty (3430) square feet, the buildings thereon now supposed to be number 235 on said Salem Street, and thus bound:

SOUTHWESTERLY on said Salem Street thirty-five (35) feet;

NORTHWESTERLY on land supposed to belong to Eugenia Kelepurs, now or formerly, ninety-eight (98) feet;

NORTHEASTERLY on the center line of a passageway sixteen feet wide, known as Decatur Avenue, thirty-five (35) feet; and

SOUTHEASTERLY on land supposed to belong to the Heirs of Jeremiah J. Dacey, now or formerly, ninety-eight (98) feet.

Parcel 14. The land in Lowell, Middlesex County, Massachusetts, with the buildings thereon, situated the intersection of the southerly side of Salem Street with the easterly side of Gage Street, and bounded and described as follows:

Beginning at the northeasterly corner of the premises at the northwesterly corner of land formerly of Patrick Dempsey; thence SOUTHERLY on said Dempsey Land fifty-one feet; thence

WESTERLY by other land of the grantor forty-one feet; thence

NORTHERLY on said Gage Street, fifty-nine feet to said Salem Street, thence

EASTERLY on said Salem Street, forty-one feet to the point of beginning.

Parcel 15. The land with the buildings thereon situated in Lowell, Middlesex County, Massachusetts, shown as Lot c-4 on plan entitled 'Compiled Plan of Land in Lowell, Mass., prepared for St. Joseph's Hospital', dated August 29, 1977 by Dana F. Perkins & Sons, Inc., recorded in Plan Book 124, Page 173.

Parcel 16. The land in said Lowell with the buildings thereon situated on the northwesterly side of Dane Street, being Lot 1 on a plan entitled 'Plan of Land in Lowell, Mass., belonging to the Estate of Franklin Martin, Scale 10 feet to an inch, Surveyed March 31, 1903 by Smith & Brooks, C.E.'s', which plan is recorded in said Registry in Book of Plans 19, Plan 47, being bounded as follows:

NORTHEASTERLY by land now or formerly of J. Flynn, thirty-two and 42/100 (32.42) feet;

SOUTHEASTERLY by Dane Street, fifty-nine and 55/100 (59.55) feet;

SOUTHWESTERLY by Lot No.2 on said plan, thirty-one and 88/100 (31.88) feet; and

NORTHWESTERLY by Lot No. 3 on said plan, fifty-eight and 01/100 (58.01) feet. Containing one thousand eight hundred eighty-seven (1887) square feet.

Parcel 17. The land situated on Dane Street Avenue in said Lowell with the buildings thereon containing about twenty-one hundred forty-four square feet and being Lot No. 3 on a plan entitled 'Plan of Land in Lowell, Mass., belonging to Est. of Franklin Martin, Surv. March 31, 1903 by Smith and Brooks, C.E.' and recorded in Middlesex North District Registry of Deeds, Plan Book 19, Plan 47.

Parcel 18. The land in said Lowell, with the buildings thereon, situated on the northeasterly side of a passageway called Dane Avenue, bounded and described as follows:

Beginning at the southeasterly corner of the premises on said passageway at land belonging to Arthur Vallee, et al;

Thence northerly along said Vallee land by the fence, 45 feet, more or less, to a fence separating the granted premises from other land belonging to the grantor;

Thence westerly along said last mentioned fence, 44 feet, more or less, to a stone post at other land of grantor;

Thence southerly along said last mentioned land and land formerly of Simons, now supposed to belong to one Vigneault, by the fence, 45 feet, more or less, to a stone post at said passageway;

Thence easterly along said passageway, 44 feet, more or less, to said Vallee land at the point of the beginning.

Parcel 19. The land in said Lowell, with the buildings thereon, situated on the southerly side of Salem Street and thus bounded and described:

Supplemental
appropriations.

Beginning at the northwesterly corner of the premises at said street and at the northwesterly corner of land now or formerly of Edward Bryerton;

Thence Southerly along said Bryerton land fifty-eight feet, more or less, to land now or formerly of Thomas Carroll,

Thence easterly along said Carroll land and land now or formerly of one Stone, twenty-eight feet, more or less to land now or formerly of Leavitt R.J. Varnum et al;

Thence northerly along said Varnum land fifty-eight feet, more or less, to said Salem Street;

Thence westerly along said Salem Street, thirty-three feet, more or less, to the point of beginning.

SECTION 32. Said chapter 344 is hereby further amended by striking out section 2 and inserting in place thereof the following section:

Section 2. Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law or any rule or regulation to the contrary, the commissioner may convey to the owner of parcel 2 the parcel of state-owned land designated in section 1 as parcel 1, in exchange for the parcel of land designated in section 1 as parcel 2.

The exact boundaries of the parcels shall be determined by the commissioner in consultation with the campus and the university. Each parcel will be conveyed together and subject to any and all rights, restrictions and other matters of record pertaining thereto.

SECTION 33. Section 3 of said chapter 344 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

In order to determine the full and fair market values of parcel 1 and parcel 2, and as a condition precedent to the conveyance of the parcels, the commissioner shall require that an independent professional appraisal be performed on each parcel. The commissioner shall also require that an environmental report be prepared for each parcel which includes an assessment of the presence of hazardous materials as described in chapter 21E of the General Laws, and the costs, if any, of required remediation. The commissioner may accept for the purposes of this section appraisals and environmental reports of parcels 1 and 2 submitted to him, if the appraisals and reports were contracted for by the university, were completed no longer than 1 year before the effective date of this act and were conducted by professional persons approved by the commissioner and the inspector general agrees to accept said appraisals for review.”.

The amendments were adopted.

Mr. DeLeo of Winthrop then moved that the bill be amended in section 2A by striking out items 1599-4123 and 1599-4124 and inserting in place thereof the following items:

“1599-4123 For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of trustees of the University of Massachusetts and: the Massachusetts Society of Professors/Faculty

Staff Union/MTA/NEA; the Professional Staff Union, Local 509, Service Employees’ International Union, AFL-CIO/CLC; the University Staff Association/Massachusetts Teachers Association/NEA; the International Brotherhood of Police Officers, Local 432, Units A and B; the International Brotherhood of Teamsters, Local 25 (2 units); the University of Massachusetts and the International Brotherhood of Police Officers, Local 399; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 507; the National Association of Government Employees, Local 245; the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation; the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services; International Association of Police Officers, Local 399; the Massachusetts Society of Professors/Lowell; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1776; the Graduate Employee Organization, Local 2322, UAW; the Service Employees’ International Union, Local 509, Unit B; the Service Employees’ International Union, Local 254, AFL-CIO, CLC, Clerical-Technical Unit; the Service Employees’ International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit; the National Association of Government Employees; the Graduate Employee Organization, Local 1596, UAW; and the Graduate Employee Organization Boston, Local 1596, UAW; provided, that the payments shall fund the fiscal year 2004 payments associated with salary adjustments and other economic items provided for in the collective bargaining agreements; provided further, that, not later than 30 days from the effective date of this act employees covered by the terms of the collective bargaining agreements in this item shall be paid a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the period from July 6, 2003 to December 31, 2003; provided further, that employees covered by the collective bargaining agreements listed in this item shall, subject to appropriation in fiscal year 2005 and thereafter, continue to be paid salaries in effect for fiscal 2004 until the parties to the collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided further, that the president of the University of Massachusetts shall expend these funds for such salary adjustments and other economic items in accordance with this item and the

Supplemental
appropriations.

terms of the collective bargaining agreements listed in this item; provided further, that funds appropriated in this item shall be transferred by the comptroller to the University based upon a schedule submitted by the president of the University of Massachusetts; provided further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments and other economic items set forth in this item for the collective bargaining agreements in this item, notwithstanding chapter 150E of the General Laws, including subsection (c) of section 7 of said chapter 150E or any other general or special law to the contrary nor the expiration of any collective bargaining agreement and any contractual requirements relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item and shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the expiration of any collective bargaining agreement; provided further, that notwithstanding said chapter 150E or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institution of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to or other than fiscal year 2004, as otherwise provided in the collective bargaining agreements.....

21,651,754.

1599-4124

For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of higher education and: the Association of Professional Administrators; and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, AFL-CIO; provided, that the payments shall fund the fiscal year 2004 payments associated with salary adjustments and other economic items provided for in such collective bargaining agreements; provided further, that, no later than 30 days from the effective date of this act employees covered by the collective bargaining agreements listed in this item shall be paid a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the period from July 6, 2003 through December 31,

2003; provided further, that employees covered by the collective bargaining agreements in this item shall, subject to appropriation in fiscal year 2005 and thereafter, continue to be paid salaries in effect for fiscal 2004 until the parties to the collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided further, that the chancellor of higher education shall expend these funds for such salary adjustments and other economic items in accordance with this item and the terms of the collective bargaining agreements in this item; provided further, that funds appropriated in this item shall be transferred by the comptroller to the board of higher education based upon a schedule submitted by the chancellor of higher education; provided further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments set forth in this item for the collective bargaining agreements listed in this item, notwithstanding chapter 150E of the General Laws, including subsection (c) of section 7 of said chapter 150E or any other general or special law to the contrary or the expiration of any collective bargaining agreement and any contractual requirements relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item and shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the expiration of any collective bargaining agreement; provided further, that notwithstanding said chapter 150E or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institution of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to or other than fiscal year 2004, as otherwise provided in such collective bargaining agreement 8,291,573”;

and by adding at the end thereof the following section:

“SECTION 34. Employees covered by the terms of the collective bargaining agreements listed in 1599-4123 and 1599-4124 and who, after July 1, 2003, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July first two thousand and three, shall be paid, no later than 30 days after the effective date of this act, a lump sum amount equal to the difference between (a) the salary specified in the relevant agreement and (b) the salary each

Supplemental
appropriations.

received, for the time they were employed during the period July 6, 2003 through June 30, 2004; provided, further, that notwithstanding any provisions of chapter 32 to the contrary, the amount of the retirement allowance paid under any provisions of chapter 32 to an employee who prior to retirement was covered by the terms of the collective bargaining agreements listed in 1599-4123 and 1599-4124 and who retired after July 6, 2003, shall be calculated as though the employee's regular compensation for any period of employment from July 6, 2003 through June 30, 2004 had been received by the employee in accordance with the provisions of such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to such an employee's retirement allowance, including payments retroactive to the effective date of retirement."

The amendments were adopted.

Bill passed
to be
engrossed,
yea and nay
No. 6.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 6 in Supplement.]

Therefore the bill (House, No. 2010, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At four minutes before four o'clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess subject to the call of the Chair; and at twenty-six minutes after five o'clock P.M. the House was called to order with Mrs. Harkins in the Chair.

Paper from the Senate.

Supplemental
appropriations.

The House Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 2010) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2A, in item 7004-1000, in line 5, inserting after the the word "electricity" the words "and other primary or secondary heating sources", and adding at the end of said item the following: "; and provided further that the department shall increase any previously established maximum assistance for which a household is eligible, in recognition of state supplement"; and inserting after section 27 (as printed) the following section:

"SECTION 28A. Section 140 of said chapter 352 is hereby repealed."

Under suspension of Rule 35, on motion of Mr. Petrolati of Ludlow, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 2010, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Supplemental
appropriations.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 26 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next
sitting.

At six minutes before six o'clock P.M., on motion of Mr. Fagan of Taunton (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.